

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

96-94

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List the Swift Fox as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to add the swift fox (*Vulpes velox*) to the List of Threatened and Endangered Wildlife and Plants. While the petition did not present substantial information indicating that the requested action may be warranted throughout the species range, the Service has found that substantial information exists to support a decision that listing of the swift fox may be warranted throughout its entire range. The Service is continuing a status review of the species and requests any additional information regarding this finding.

DATES: The finding announced in this notice was made on May 23, 1994. Comments and materials related to this petition finding may be submitted to the Field Supervisor (see ADDRESSES below) until further notice.

ADDRESSES: Information, comments, or questions concerning the swift fox petition may be submitted to the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, 420 South Garfield Avenue, Suite 400, Pierre, South Dakota 57501-5408. The petition, finding, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Elizabeth McPhillips, Acting Supervisor, at the above address, telephone (605) 224-8693.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. To the maximum extent practical, this finding is to be made within 90 days of

the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, the Service also is required to promptly commence a status review of the species.

A petition dated February 22, 1992 from Mr. Jon C. Sharps was received by the Service on March 3, 1992. The petition requested the Service to list the swift fox (*Vulpes velox*) as an endangered species in the northern portion of its range, if not the entire range. A status review for the species was first initiated for the swift fox by a notice of review published on December 30, 1982 (47 FR 58454).

The petition and its referenced documentation states that the swift fox once occurred in abundant numbers throughout the species historical range. The species was known from the Canadian Prairie Province south through Montana, eastern Wyoming, and North and South Dakota to the Texas Panhandle. The petitioner asserts that the swift fox has declined and is considered rare in the northern portion of its range. The petitioner indicates that the swift fox is extremely vulnerable to human activities such as trapping, hunting, automobiles, agricultural conversion of habitat, and prey reduction from rodent control programs. The petitioner requests that, at a minimum, the swift fox be listed as an endangered species in Montana, North Dakota, South Dakota, and Nebraska. Justification for such action as cited by the petitioner includes the present status of the species and its habitat in the petitioned area, geographic and climatic positioning of the species, the strong link to the prairie dog ecosystem, the large distance from the kit-swift fox hybrid zone, and the potential for these populations to contain the subspecies, *Vulpes velox hebes* or northern swift fox.

The Service has reviewed information regarding the status of the swift fox throughout its range. Historically, the swift fox was considered abundant throughout the Great Plains and the prairie provinces of Canada (Hall and Kelron 1959; Egoscue 1979; Zumbaugh and Choates 1985; U.S. Fish and Wildlife Service 1990; FaunaWest 1991). Beginning in the late 1800's to early 1900's, the swift fox declined in numbers, and soon the northern population collapsed and the southern population became quite rare (Cary 1911; Warren 1942; Egoscue 1979; Bee et al. 1981; FaunWest 1991).

In the mid-1950's the swift fox staged a limited comeback in portions of its historical range (Long 1965; Kilgore 1969; McDaniel 1976; Sharps 1977;

Hines 1980; FaunaWest 1991). However, this reappearance was limited in nature and in recent years many of these populations have again declined. Several factors are provided as reasons for the decline of the species throughout much of its historical range. These factors include: (1) Loss of native prairie habitat through conversion for agricultural production and mineral extraction, (2) fragmentation of the remaining habitat, creating a less suitable cropland-grassland habitat mosaic, (3) degradation of habitat due to colonial rodent control activities, (4) predation and interspecific competition and (5) the species' vulnerability to human activities, such as predator control, trapping, shooting, and collisions with automobiles (Hillman and Sharps 1978; Hines 1980; Armbruster 1983; Uresk and Sharps 1986; Jones et al. 1987; Sharps 1989; U.S. Fish and Wildlife Service 1990; FaunaWest 1991; Carbyn et al. 1992).

Currently, swift fox exist in highly disjunct populations in a greatly reduced portion of the species' historical range (Hines 1980; Jones et al. 1987; U.S. Fish and Wildlife Service 1990; FaunaWest 1991). Presently, North Dakota, Montana, and Oklahoma do not contain known populations of swift fox. South Dakota and Nebraska only contain one to five remnant populations in a fraction of the States' historical range. Kansas, Texas, and Wyoming maintain localized populations with limited distributions. Colorado and New Mexico appear to contain localized populations distributed throughout reduced portions of the States' historical range.

In 1970, the Service listed the northern subspecies (*Vulpes velox hebes*) as endangered (35 FR 8485). This designation was removed in the United States due to controversy over taxonomy; however, the designation for Canada as endangered remains in place (45 FR 49844).

Canada classified the swift fox as extirpated in 1978 (Carbyn et al. 1992). Since 1983, the Canadian Wildlife Service has been involved in a reintroduction experiment in the hope of recovering the swift fox. This 12-year program has resulted in an estimated wild fox population of 150 foxes within two release areas (Carbyn et al. 1992). However, the viability of this population is in question due to the low numbers of established animals, high predation rates, continued habitat loss or modification within the release areas, and the unpredictability of climatic or other stochastic events such as disease (Carbyn et al. 1992).

The Service notes that the majority of information reviewed supported many of the petitioner's contentions concerning the decline of and threats to the swift fox within the northern portion of its historical range. This information also indicated that many of the petitioner's contentions appear valid throughout the remainder of the species' range.

The petitioner provided substantial information that listing of the swift fox may be warranted in the northern portion of its range but did not provide substantial information on the species' status in the southern portion of its range. The Service found that additional information existed to indicate that listing of the swift fox throughout its range may be warranted.

Therefore, after reviewing the petition, accompanying documentation, references cited, and the best scientific and commercial data available, the Service finds that the requested action may be warranted throughout the swift fox's historical range. Through issuance of this notice of the 90-day finding, the Service is continuing a status review of the swift fox and solicits additional information on the species. The Service will prepare a 12-month finding to determine if the petitioned action is warranted as required by section 4(b)(3)(B) of the Endangered Species Act.

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Service's, Pierre Field Office (see ADDRESSES above).

Author

This notice was prepared by Daniel Eklund (see ADDRESSES above).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: May 23, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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